

AG Contract No.: KR03-1109TRN  
ADOT ECS File: JPA 03-019  
**Amendment One**  
Project No. HRF-YYU-0-082 01C;  
HRF-YYU-0-082 02C, 03C  
**TRACS No. HF082 01C(FY03)**  
HF082 02C (FY05) / HF082 03C (FY06)  
Section: Avenue E, Port of Entry to  
Juan Sanchez  
HURF Exchange Program

**AMENDMENT NO. ONE (1)  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE COUNTY OF YUMA

THIS AGREEMENT is entered into September 8, 2004, Amendment One to JPA 03-019, AG Contract No.: KR03-1109TRN, filed with the Secretary of State under No. 26475 pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the COUNTY acting by and through its BOARD OF SUPERVISORS (the "County").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes Section 28-6993(g) to enter into this agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The County is empowered by Arizona Revised Statutes Section 11-251 and 11-952 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

The purpose of this Amendment is to clarify the funding for fiscal year 2005, 2006 and 2007 for the new construction to Avenue E, Port of Entry to Juan Sanchez.

THEREFORE, in consideration of the mutual agreements expressed herein, the Agreement is amended as follows:

Paragraph 3, 4 and 5 are deleted and replaced in full as follows:

3. The State has approved the exchange of \$315,000.00 Highway User Revenue Funds (HURF) to the County for the new construction to Avenue E, Port of Entry to Juan Sanchez, and such funds will be repaid to the State by withholding from the YUMA METROPOLITAN PLANNING ORGANIZATION (YMPO) federal funds and the obligation authority for federal funds in the amount of \$371,945.41 in Fiscal Year 2004

#01  
NO. 26475  
Filed with the Secretary of State  
Date Filed: 09/08/04  
Janice K. Brewer  
Secretary of State

By: Dwight J. Seale

4 The State has approved the exchange of \$810,000.00 Highway User Revenue Funds (HURF) to the County for the new construction to Avenue E, Port of Entry to Juan Sanchez, and such funds will be repaid to the State by withholding from the YUMA METROPOLITAN PLANNING ORGANIZATION (YMPO) federal funds and the obligation authority for federal funds in the amount of \$956,431.06 in Fiscal Year 2006.

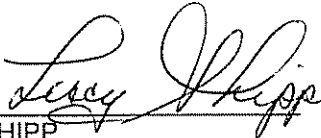
5 The State has approved the exchange of \$720,000.00 Highway User Revenue Funds (HURF) to the County for the new construction to Avenue E, Port of Entry to Juan Sanchez, and such funds will be repaid to the State by withholding from the YUMA METROPOLITAN PLANNING ORGANIZATION (YMPO) federal funds and the obligation authority for federal funds in the amount of \$850,161.00 in Fiscal Year 2007.

**EXCEPT AS AMENDED** herein, ALL OTHER terms and conditions of the original Agreement remain in full force and effect.

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IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

**YUMA COUNTY**

By   
LUCY SHIPP  
Chairman of the Board

**STATE OF ARIZONA**

Department of Transportation

By   
DALE BUSKIRK, Division Director  
Transportation Planning Division

ATTEST

By   
SUE STALLWORTH  
Clerk of the Board

JPA 03-019

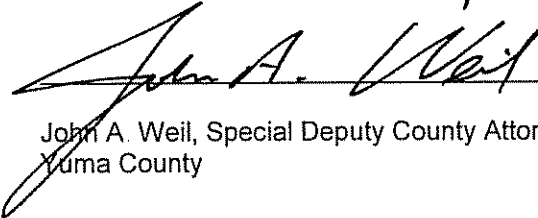
AMENDMENT NO. 1

APPROVAL OF THE YUMA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODALTRANSPORTATION DIVISION, and YUMA COUNTY, an agreement among public agencies, which has been reviewed pursuant to A.R.S. section 11-951 through 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 8th day of JULY, 2004

  
\_\_\_\_\_  
John A. Weil, Special Deputy County Attorney  
Yuma County

OFFICE OF THE  
BOARD OF SUPERVISORS  
198 Main Street  
Yuma, Arizona 85364

DAVID R. GARCIA  
COUNTY ADMINISTRATOR



LENORE LOROÑA STUART  
DISTRICT 1  
LUCY SHIPP  
DISTRICT 2  
CASEY PROCHASKA  
DISTRICT 3

## CERTIFICATE

STATE OF ARIZONA)

) ss.

COUNTY OF YUMA )

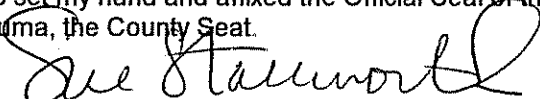
I, Sue Stallworth, Clerk of the Board of Supervisors, Yuma County, Arizona, do hereby certify that the following is a true and exact transcript of the minutes for Agenda Item No. 16, dated August 2, 2004, and kept in the files of the Yuma County Board of Supervisors' Office.

**No. 16: Development Services: Authorize the Chairman to sign Amendment No. 1 to the Intergovernmental Agreement with the Arizona Department of Transportation, Intermodal Transportation Division, for the Avenue E Construction Project between the Port of Entry and Juan Sanchez Boulevard (aka County 23<sup>rd</sup> Street).**

Mr. Patterson presented the item and responded to questions.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to approve Item No. 16 as presented. The motion carried.

In Witness Whereof I have hereunto set my hand and affixed the Official Seal of the Board of Supervisors this 11th day of April, 2002 in Yuma, the County Seat.

  
SUE STALLWORTH, Clerk of the Board

STATE OF ARIZONA)

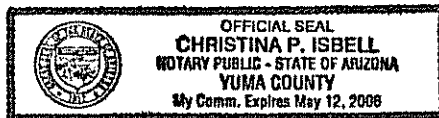
) ss.

COUNTY OF YUMA )

Subscribed to and before me this 6th day of August, 2004 by  
SUE STALLWORTH.

  
CHRISTINA P. ISBELL, Notary Public

My Commission Expires:



P:\EXTRACTS\2004\08-02-04 #16.doc

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TERRY GODDARD  
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

CIVIL DIVISION  
TRANSPORTATION SECTION  
WRITER'S DIRECT LINE: 602.542.8855

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR03-1109TRN (**JPA 03-019, Amendment One**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: August 31, 2004

TERRY GODDARD  
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section